

AO 245D

(Rev. 12/03) Sheet 1 - Judgment in a Criminal Case for Revocation

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**United States District Court**
District of HawaiiMAY 05 2008
at 4 o'clock and 05 min. P.M.
SUE BEITIA, CLERK

UNITED STATES OF AMERICA

v.

FRANCIS OGATA

(Defendant's Name)

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Criminal Number: **1:04CR00434-001**USM Number: **95044-022****Dean Hoe Esq.**

Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilt to violation of conditions General Condition, Standard Condition No. 11 and Special Condition No. 3 of the term of supervision.
- ☐ was found in violation of condition(s) _____ after denial or guilt.

Violation Number**Nature of Violation****Date Violation Occurred**

See next page.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: **2354**MAY 2, 2008
Date of Imposition of SentenceDefendant's Residence Address:
Waianae, Hawaii 96792
Signature of Judicial OfficerDefendant's Mailing Address:
Waianae, Hawaii 96792**ALAN C. KAY**, Senior United States District Judge
Name & Title of Judicial Officer

MAY 5 2008

Date

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CASE NUMBER: 1:04CR00434-001

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DEFENDANT: FRANCIS OGATA

ADDITIONAL VIOLATION

| <u>Violation Number</u> | <u>Nature of Violation</u> | <u>Date Violation Concluded</u> |
|-------------------------|--|--|
| 1 | Subject failed to provide notification to his probation officer of his arrest on 4/4/08 | |
| 2 | Subject admitted that he consumed alcohol | on or about 4/3/08 to and including 4/4/08 |
| 3 | Subject engaged in conduct constituting Operating a Vehicle Under the Influence of an Intoxicant | 4/4/08 |

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 2 - ImprisonmentCASE NUMBER: 1:04CR00434-001
DEFENDANT: FRANCIS OGATA

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: TWENTY ONE (21) DAYS *(May 13, 2008)*

The defendant to remain in custody until May 13, 2008 ~~or TWENTY ONE (21) DAYS~~

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at ____ on ____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _ on ____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 3 - Supervised ReleaseCASE NUMBER: 1:04CR00434-001
DEFENDANT: FRANCIS OGATA

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: TWENTY FOUR (24) MONTHS

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

That the defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement on supervision and at least two periodic drug tests thereafter, but not more than 8 valid drug tests per month during the term of supervised release.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon (Check if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
2. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
3. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
4. That the defendant is prohibited from the possession and use of alcohol.
5. That the defendant shall serve up to four (4) months of home detention with electronic monitoring, which may include a Sobriety alcohol detection accessory, as arranged by and at the discretion of the Probation Office. The defendant shall be responsible for the expense of this service. During this time, the defendant shall remain at his place of residence during non working hours and shall not leave his residence without the approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow the electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined by the Probation Office.